

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OLIN LEVY,
Plaintiff,
v.
SIMON PROPERTY GROUP,
Defendant.

Case No. 23-cv-03144-VC

ORDER OF DISMISSAL

Re: Dkt. No. 1

This complaint is dismissed for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B). In its entirety, the complaint alleges as follows: “Defendant failed to fulfill my claim in Chapter 11 bankruptcy.” Levy requests five billion dollars in voting stock of Simon Property Group as relief.

This bare allegation does not state a plausible claim nor provide the Court with enough direction to determine whether there is a cognizable legal theory that would support relief. The complaint does not identify which Chapter 11 bankruptcy proceeding is the subject of the dispute. Further, there is no information about the nature or viability of Levy’s claim, how it was handled in bankruptcy court, why it survives bankruptcy, nor why Simon would be liable for it.

Given Levy’s pro se status, dismissal is with leave to amend. If no amended complaint is filed within 21 days of this order, then dismissal will be with prejudice.

IT IS SO ORDERED.

Dated: July 19, 2023



VINCE CHHABRIA
United States District Judge